

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 16-CR-20394

vs.

HONORABLE SEAN F. COX

D-1 JAMES ROBERT LIANG,

Defendant.

**STIPULATION AND ORDER ADJOURNING SENTENCING DATE AND MODIFYING
SENTENCING DEADLINES**

The United States and defendant James Robert Liang agree as follows:

1. On September 9, 2016, defendant James Robert Liang pleaded guilty to Count One of the Indictment in this matter, charging him with conspiracy to defraud the United States, to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and to violate the Clean Air Act, in violation of Title 42, United States Code, Section 7413(c)(2)(A), all in violation of Title 18, United States Code, Section 371.

2. The charge stems from the government's investigation of Volkswagen AG and its affiliates and agents, including Volkswagen Group of America, (Volkswagen) for Volkswagen's use of software specifically designed to cheat U.S. emissions tests in hundreds of thousands of Volkswagen vehicles.

3. Liang, who is scheduled to be sentenced on February 1, 2017, is a Volkswagen employee with knowledge of facts relating to the software designed and used by the company, as well as Volkswagen's interactions with U.S. regulatory authorities. Liang is cooperating with the government in the investigation and the potential prosecution of others.

4. The parties are requesting an adjournment of the sentencing date to allow more time for defendant's cooperation in the investigation.

5. The parties stipulate and agree that an adjournment of Liang's sentencing date for a period of 90 days, from February 1, 2017, to a date in May 2017 would be reasonable and appropriate under the circumstances.

6. The parties stipulate and request that the Court continue the following sentencing related deadlines:

- a. Not later than seven weeks before sentencing, the Presentence Report ("PSR") must be submitted to counsel by the Probation Officer for review and possible objections;
- b. Not later than five weeks before sentencing, any PSR objection must be stated to the Probation Officer;
- c. Not later than three weeks before sentencing, the proposed final form of the PSR must be delivered to the Court by the Probation Department;
- d. Not later than two weeks before sentencing, any request by either party for a departure or variance from the Guidelines range

must be presented in the form of a motion with a supporting brief;

- e. Not later than seven days before sentencing, any opposition to the other party's motion for departure or variance motion must be filed;
- f. Any Sentencing Memorandum is due seven days before sentencing.

IT IS SO STIPULATED:

BARBARA L. MCQUADE
United States Attorney
Eastern District of Michigan

s/Mark Chutkow
MARK CHUTKOW
JOHN K. NEAL
Assistant United States Attorneys
Eastern District of Michigan

s/with consent of Daniel Nixon
DANIEL NIXON, ESQ.
Counsel for defendant, James Robert Liang

Dated: December 20, 2016

IT IS ORDERED that the sentencing date in this matter is adjourned to **May 3, 2017 at 2:00 p.m.**

Dated: January 3, 2017

s/ Sean F. Cox
Sean F. Cox
U. S. District Judge